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C O N F I D E N T I A L SECTION 1 OF 3 MANAGUA 3595

PLEASE DELIVER ARA/CEN DIRECTOR MATTHEWS OPENING OF BUSINESS 8/1/77

E.O. 11652: GDS

TAGS: SHUM, NU

SUBJECT: DRAFT HUMAN RIGHTS EVALUATION REPORT ON NICARAGUA

REF: STATE 162646

1. SUMMARY: THIS MISSION HAS REVISED THE DRAFT HUMAN RIGHTS EVALUATION REPORT ON NICARAGUA (REFTEL) TO INCLUDE DETAILED CURRENT INFORMATION. THIS REVISION DEPICTS THE RECENT AND CURRENT HUMAN RIGHTS SITUATION AS SEEN BY THE COUNTRY TEAM IN NICARAGUA. END SUMMARY.

2. THIS EVALUATION IS THE PRODUCT OF THE MISSION'S POLITICAL SECTION, MILGP COMMANDER, USAID DIRECTOR, DEFENSE ATTACHE, ACTING DCM, CHARGE AND OTHER CIVILIAN AND MILITARY STAFF MEMBERS. EACH OF THE CONTRIBUTORS TO THIS TELEGRAM IS FLUENT IN SPANISH AND HAS SPENT APPROXIMATELY ONE YEAR IN NICARAGUA; THE MEMBERS OF THE GROUP HAVE REGULAR AND FREQUENT CONTACT WITH A BROAD SPECTRUM OF THE NICARAGUAN SOCIO-POLITICAL SCENE. THOSE CONTACTS INCLUDE REPRESENTATIVES OF THE SOMOZA GOVERNMENT, OF ALL ELEMENTS OPPOSED TO IT (EXCEPT KNOWN FSLN TERRORISTS), THE CATHOLIC CHURCH, INCLUDING THE ARCHBISHOP, THE PAPAL NUNCIO AND AMERICAN CAPUCHIN PRIESTS, OTHER MISSIONARIES, BUSINESSMEN OF VARIOUS NATIONALITIES, UNIVERSITY FIGURES AND DIPLO-

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MATS OF OTHER COUNTRIES. SOME OF THE STATEMENTS ON HUMAN RIGHTS IN NICARAGUA RELEASED BY THE STATE DEPARTMENT IN EARLY 1977 DID NOT REFLECT SPECIFIC MISSION REPORTING BASED ON INFORMATION OBTAINED FROM THESE SOURCES; THEREFORE THIS REVISION IS DEEMED TO BE NECESSARY AND APPROPRIATE NOW. AS A FINAL AND HOPEFULLY UNNECESSARY NOTE, WE BELIEVE THE BROAD RANGE OF PROFESSIONAL EXPERIENCE AND DIVERSE VIEWPOINTS OF THE CONTRIBUTORS TO THIS EFFORT HAVE REDUCED TO A

MINIMUM TENDENCIES TOWARD CLINTITIS OR OTHER BIAS. THE OPPORTUNITY TO STATE DISSENTING VIEWS OR ADD EXPLANATORY COMMENT HAS BEEN GIVEN TO EACH ELEMENT THROUGHOUT THE DRAFTING AND CLEARING PROCESS. BEGIN TEXT:

A. CONDITION OF HUMAN RIGHTS IN NICARAGUA

LIKE MANY DEVELOPING COUNTRIES, AND LATIN AMERICAN COUNTRIES IN PARTICULAR, NICARAGUA'S POLITICAL HISTORY INCLUDES A GREAT DEAL OF VIOLENCE. WITH THE ADVENT OF THE NATIONAL GUARD (GN) AND THE SOMOZA FAMILY'S RISE TO POWER OVER FORTY YEARS AGO, OPEN ANTI-GOVERNMENT VIOLENCE SUCH AS REVOLUTIONS OR COUPS HAS BEEN SUPPRESSED. DURING THIS PERIOD OF RELATIVE STABILITY THE GN HAS GAINED THE REPUTATION OF BEING OFTEN HEAVY-HANDED AND, AT TIMES, RUTHLESS. TMFRE HAS CONTINUED TO BE POLITICAL OPPOSITION TO THE SOMOZAS INCLUDING AN OPPOSITION PRESS WHOSE ATTACKS ON THE GOVERNMENT WERE OFTEN VITRIOLIC UNTIL CENSORSHIP WAS INSTITUTED. ONLY WHEN THE OPPOSITION HAS ATTEMPTED ARMED REVOLUTIONS AND UPRISING HAS IT BEEN SUPPRESSED.

A SIGNIFICANT CHANGE OCCURRED IN DECEMBER 1974 AS A RESULT OF A DRAMATIC TERRORIST ATTACK BY THE MARXIST-LENIST LED NATIONAL SANDINIST LIBERATION FRONT (FSLN) WHICH HAD OPERATED SPORADICALLY IN NICARAGUA SINCE 1962. THE GN RESPONDED TO THE FSLN'S KILLING OF FOUR PERSONS, AND THEIR SUCCESSFUL RANSOMING OF HOSTAGES FOR JAILED GUERRILLAS, A REPORTED MILLION DOLLARS AND TRANSPORTATION TO CUBA BY IMPOSING MARTIAL LAW AND CENSORSHIP (WHICH HAVE BEEN APPLIED IN A LIMITED FASHION-SEE SEC. A2) AND INITIATING AN ACTIVE COUNTER-INSURGENCY CAMPAIGN. DURING THAT CAMPAIGN, WHICH AS BEEN CARRIED OUT

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IN RURAL AREAS USUALLY SPARSELY POPULATED AND VERY ISOLATED, ALLEGATIONS OF SERIOUS ABUSES BY THE GN BEGAN TO CIRCULATE. ALTHOUGH CONCRETE EVIDENCE IS LACKING, NUMEROUS AND PERSISTENT ALLEGATIONS OF KILLINGS AND PHYSICAL ABUSE BY THE GN LED THE DEPARTMENT, CERTAIN INFLUENTIAL MEMBERS OF THE U.S. CONGRESS, AMNESTY INTERNATIONAL, THE NICARAGUAN CATHOLIC CHURCH AND OTHERS TO CONCLUDE THAT A SERIOUS HUMAN RIGHTS PROBLEM EXISTED IN NICARAGUA. PRIVATE AND PUBLIC EXPRESSIONS OF CONCERN BY THESE GROUPS APPARENTLY LED IN EARLY 1977 TO ORDERS BY PRESIDENT SOMOZA TO HIS SENIOR COMMANDERS TO AVOID ABUSES OR THE APPEARANCE OF ABUSES. SINCE JANUARY OF THIS YEAR, ALLEGATIONS OF FURTHER VIOLATIONS OF HUMAN RIGHTS BY THE GN HAVE DRAMATICALLY DIMINISHED.

1. RESPECT FOR INTEGRITY OF THE PERSON

VIRTUALLY ALL CHARGES OF KILLINGS AND PHYSICAL ABUSE HAVE ARISEN FROM THE GN'S COUNTER-INSURGENCY REACTION TO GUERRILLA ACTIVITIES OF THE FSLN IN THE NORTHERN RURAL AREA. HOWEVER, THERE HAVE ALSO BEEN FOUR TERRORIST ACTS DURING THE LAST TWO MONTHS AGAINST THE GN IN URBAN AREAS INCLUDING MANAGUA. UP UNTIL JANUARY OF THIS YEAR THERE WAS A GROWING RECORD OF ACCUSATIONS AGAINST THE GN COMPILED BY CAPUCHIN PRIESTS FROM LOCAL CAMPESINO INFORMANTS FOR HAVING KILLED, TORTURED AND RAPED CAMPESINOS. THE CAPUCHIN LIST REFLECTS TWENTY-

EIGHT REPORTED DISAPPEARANCES OR KILLINGS DURING EIGHT MONTHS IN 1975. DURING 1976 THE LIST REPORTS OVER TWO HUNDRED PERSONS DISAPPEARED OR KILLED, WITH OVER A THIRD OF THEM OCCURRING IN FEBRUARY. IN JANUARY 1977 THE LIST INDICATES A REPORTED MASSACRE OF 44 PERSONS IN ONE INCIDENT, PLUS THE NAMES OF ELEVEN OTHER PERSONS WHO HAVE DISAPPEARED. SINCE JANUARY 1977, THERE HAS BEEN ONLY ONE REPORT BY THE CAPUCHINS OF ANOTHER PERSON WHO ALLEGEDLY DISAPPEARED, THAT BEING IN FEBRUARY. SEVERAL PERSONS WHO PREVIOUSLY HAVE BEEN REPORTED DISAPPEARED HAVE SUBSEQUENTLY REAPPEARED. VERIFYING OR DETERMINING THE EXACT EXTENT OF THESE ALLEGATIONS IS EXTREMELY DIFFICULT BECAUSE THE AREAS INVOLVED ARE SO ISOLATED THAT THE NAMES OF THE VILLAGES DO NOT APPEAR ON ANY MAPS. THE CAPUCHIN PRIESTS VISIT THESE REMOTE LOCATIONS EVERY FEW MONTHS ON MULEBACK. FURTHER ALLEGATIONS OF GN KILLINGS OR OTHER ABUSES HAVE BEEN RECEIVED FROM OTHER SOURCES, CONFIDENTIAL

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BUT UNLIKE THE CAPUCHIN REPORTS THEY HAVE BEEN GENERALLY VAGUE. SOME PERSONS DETAINED FOR SUSPECTED FSLN TIES HAVE ACCUSED THE GN OF ABUSE OR TORTURE DURING THEIR DETENTION. SUCH ALLEGATIONS HAVE BEEN REPORTED IN LOCAL NEWSPAPERS, PARTICULARLY IN COVERAGE OF THE PUBLIC FSLN TRIALS EARLIER THIS YEAR.

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C O N F I D E N T I A L SECTION 2 OF 3 MANAGUA 3595

PLEASE DELIVER ARA/CEN DIRECTOR MATTHEWS OPENING OF BUSINESS 8/1/77

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

THE MARTIAL LAW AND CENSORSHIP INVOKED IN RESPONSE TO THE DECEMBER

1974 FSLN TERRORIST ATTACK REMAINS IN FORCE. PRESIDENT SOMOZA HAS PUBLICLY STATED THAT MARTIAL LAW WILL BE LIFTED AFTER THE SUPREME COURT DECIDES ON THE DURRENT APPEALS OF THE PERSONS CONVICTED FOR FSLN ACTIVITIES. THE PRIMARY IMPACT OF MARTIAL LAW ON INDIVIDUAL LIBERTIES HAS BEEN CENSORSHIP OF THE MEDIA, INCOMMUNICADO DETENTION OF SECURITY SUSPECTS, OCCASIONAL CURFEWS IN AREAS OF SUSPECTED FSLN OPERATIONS, THE REQUIREMENT THAT POLITICAL RALLIES BE HELD INDOORS. IN THE SECURITY CASES TRIED BY MILITARY COURTS, DEFENDENTS HAVE ACCESS TO COUNSEL AND THE PROCEEDINGS ARE PUBLIC. MOST OF THE SEVERAL HUNDRED PEOPLE DETAINED DURING THE PAST TWO YEARS FOR SUSPICION OF SECURITY OFFENSES HAVE BEEN HELD FOR RELATIVELY SHORT PERIODS BEFORE BEING RELEASED. NORMAL LEGAL REMEDIES CONTINUE TO BE APPLIED IN REGULAR CRIMINAL AND CIVIL CASES. TRADITIONALLY, PERSONS WHO HAVE FLED THE COUNTRY TO AVOID INVESTIGATION OR PROCEEDINGS FOR PARTICIPATION IN REVOLUTIONARY ACTIVITIES HAVE EVENTUALLY BEEN PERMITTED TO RETURN AND LIVE NORMAL LIVES. THERE ARE NO POLITICAL EXILES AT PRESENT OTHER THAN SELF-PROCLAIMED EXILES. THE MATTER OF POLITICAL PRISONERS IS DIFFICULT TO ADDRESS BECAUSE OF DEFINITIONS. THERE ARE FSLN REVOLUTIONARIES IN JAIL WHO HAVE BEEN TRIED AND CONVICTED BY MILITARY TRIBUNALS ESTABLISHED UNDER THE STATE OF SIEGE. CONFIDENTIAL

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ALL HAVE BEEN CONVICTED OF CRIMES AGAINST THE CONSTITUTION; SOME, IN ADDITION, FOR ROBBERY, KIDNAPPING AND MURDER. THERE ARE LESS THAN TWO DOZEN DETINEES WHO HAVE NOT YET BEEN INDICTED. SOME OF THESE, THE GON SAYS, HAVE CONFESSED TO SERIOUS FELONIES WHICH ARE STILL BEING INVESTIGATED; OTHERS HAVE BEEN CAPTURED FOLLOWING RECENT URBAN TERRORIST ACTS. HOWEVER, ASIDE FROM THE PERSONS DETAINED OR CONVICTED FOR FSLN REVOLUTIONARY ACTIVITIES, WE KNOW OF NO OTHER PERSONS CURRENTLY DEPRIVED OF THEIR LIBERTY FOR ANY EXTENDED PERIOD AS A RESULT OF ANTI-GOVERNMENT POLITICAL ACTIVITY.

MOVEMENT WITHIN THE COUNTRY IS UNRESTRICTED WITH THE EXCEPTION OF A REQUIREMENT FOR PERMITS TO MOVE FROM OR INTO AREAS WHERE THERE ARE ACTIVE COUNTER-INSURGENCY OPERATIONS. DURING THE PAST TWO YEARS THREE MEMBERS OF THE LARGE GROUP OF RESIDENT FOREIGN PRIESTS HAVE BEEN DENIED VISA RENEWAL OR RE-ENTRY, APPARENTLY BECAUSE IN THE EYES OF THE GOVERNMENT THERE WERE INVOLVED IN "ANTI-GOVERNMENTAL" ACTIVITIES.

THE ONLY POLITICAL PARTIES WHICH HAVE ESTABLISHED JURIDICIAL RECOGNITION UNDER THE CONSTITUTIONAL REQUIREMENTS IN NICARAGUA ARE THE PLN (LIBERALS) THE DOMINANT, SOMOZA-BACKED GROUP, AND THE PCN, THE OFFICIAL OPPOSITION CONSERVATIVE PARTY. THE PCN, WHICH IS CONSTITUTIONALLY GUARANTEED FORTY PERCENT REPRESENTATION IN CONGRESS, PLUS SEAT ON THE SUPREME COURT, LOWER COURTS, AND ELECTORAL TRIBUNALS AND IN ALL MINISTRIES AND AUTONOMOUS AGENCIES, HAS BEEN FREE FROM POLITICAL RESTRICTIONS. THERE HAS BEEN, HOWEVER, OCCASIONAL CENSORSHIP OF ITS CRITICISMS OF THE GOVERNMENT. OTHER OPPOSITION POLITICAL PARTIES, FACTIONS, AND MOVEMENTS WHICH HAVE NOT TRIED, OR HAVE BEEN UNSUCCESSFUL IN THEIR ATTEMPTS TO OBTAIN JURIDICAL RECOGNITION UNDER THE CONSTITUTIONAL PROVISIONS NONETHELESS EXIST, HOLD POLITICAL

RALLIES AND CIRCULATE MANIFESTOS. THE MOST ACTIVE OPPOSITION MOVEMENT, THE UNION OF DEMOCRATIC LIBERATION (UDEL) IS A COALITION OF DIVERSE GROUPS INCLUDING DISSIDENT LIBERALS AND CONSERVATIVES, SOCIAL CHRISTIANS, INDEPENDENTS AND THE SMALL, ILLEGAL COMMUNIST PARTY. UDEL HAS ENCOUNTERED SPORADIC, LOW-LEVEL HARRASSMENT AND PER-
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CONFIDENTIAL CENSORSHIP. THE 27 PROMINENT OPPOSITION POLITICIANS WHO FOUNDED UDEL FOLLOWING THE 1974 PRESIDENTIAL ELECTIONS PREVIOUSLY WERE CONVICTED OF VIOLATING THE CONSTITUTION FOR HAVING ADVOCATED ABSTENTION IN THAT ELECTION. UDEL HAS HELD FREQUENT POLITICAL RALLIES DURING THE PAST YEAR, AND IN RECENT MONTHS THE MOVEMENT'S PRESIDENT, PEDRO JOAQUIN CHAMORRO, HAS BEEN ABLE TO PUBLICISE ITS ACTIVITIES IN HIS NEWSPAPER, LA PRENSA, WHICH IS NICARAGUA'S LARGEST CIRCULATION DAILY.

3. GOVERNMENT POLITICS RE BASIC NEEDS OF POPULATION

THE GON, WITH AID SUPPORT, IS STILL ENGAGED IN RECONSTRUCTING MANAGUA FOLLOWING A MASSIVE EARTHQUAKE IN DECEMBER 1972 THE EFFORT IS LARGELY DIRECTED AT PROVIDING AND UPGRADING HOUSING, WATER, SEWERS AND OTHER ESSENTIAL SERVICES TO LOW INCOME FAMILIES. ALSO UNDERWAY IS THE GON'S AMBITIOUS INTEGRATED RURAL DEVELOPMENT PROGRAM SUPPORTED BY AID, TO BETTER THE LIFE OF THE RURAL POOR THROUGH INTERRELATED PROJECTS DIRECTED AT IMPROVED AGRICULTURAL PRODUCTION, HEALTH CARE, NUTRITION, FAMILY PLANNING, EDUCATION, RURAL MUNICIPAL DEVELOPMENT AND LAND TENURE. THE GON CONTRIBUTES BETWEEN 40-60 PERCENT OF THE TOTAL PROJECT COSTS ON A.I.D. SUPPORTED PROJECTS. BETWEEN 1973 AND 1976 THE SHARE OF THE GOVERNMENT'S NATIONAL BUDGET ALLOCATED TO AGRICULTURE INCREASED 10 PERCENT, TO EDUCATION UP 16 PERCENT AND TO HEALTH UP SEVEN PERCENT. IN BUDGETED FUNDS, THESE WERE INCREASES OF 376 PERCENT, 84 PERCENT AND 60 PERCENT RESPECTIVELY.

THERE HAVE BEEN PERSISTENT RUMORS AND CHARGES OF GON CORRUPTION INVOLVING THE EARTHQUAKE RECONSTRUCTION PROGRAM. HOWEVER, SINCE 1973 NUMEROUS INVESTIGATIONS BY THE GAO, CONGRESSIONAL AND AID AUDITORS AND INVESTIGATORS OF AID'S PARTICIPATION IN THE PROGRAM HAVE NOT SUBSTANTIATED THOSE CHARGES. THE PREVAILING IMPRESSION, HOWEVER, IS THAT THERE IS CONSIDERABLE GENERAL CORRUPTION IN NICARAGUA. WHETHER THIS IS ON A GREATER OR LESSER MAGNITUDE THAN THAT EXPERIENCED ELSEWHERE IS PROBLEMATICAL.

4. GOVERNMENT'S RESPONSIBILITY FOR AND JUSTIFICATION OF HUMAN RIGHTS RECORD.

THE GON ASSERTS THAT THE MAINTENANCE OF BOTH MARTIAL LAW AND
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CENSORSHIP HAS BEEN NECESSARY TO MAINTAIN INTERNAL ORDER AND TO

ASSIST IN COMBATTING THE FSLN GUERRILLA MOVEMENT'S ATTEMPT TO OVERTHROW THE GOVERNMENT. FURTHERMORE, THE GON CLAIMS THAT ALLEGATIONS OF NATIONAL GUARD ABUSE HAVE BEEN GREATLY EXAGGERATED BY ITS DIVERSE OPPOSITION. MARTIAL LAW AND CENSORSHIP ARE ESTABLISHED GON POLICY.

ALLEGED ABUSES BY THE NATIONAL GUARD, ON THE OTHER HAND, ARE NOT CLEARLY ATTRIBUTABLE TO GON POLICY.

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C O N F I D E N T I A L SECTION 3 OF 3 MANAGUA 3595

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THERE IS A BIPARTISAN HUMAN RIGHTS COMMITTEE IN EACH HOUSE OF THE NICARAGUAN CONGRESS, AS WELL AS A JOINT CONGRESSIONAL COMMITTEE, PLUS NUMEROUS POLITICAL PARTY-AFFILIATED AND INDEPENDENT COMMITTEES, NEARLY ALL OF WHICH WERE ESTABLISHED SINCE THE BEGINNING OF THIS YEAR. THE ONLY INVESTIGATIONS TO DATE, HOWEVER, HAVE BEEN OF PRISON CONDITIONS FOR FSLN PRISONERS CONDUCTED BY THE HUMAN RIGHTS COMMITTEE OF THE CHAMBER OF DEPUTIES AND BY THE INTERNATIONAL RED CROSS. EMBASSY EFFORTS TO HAVE THE GON SPONSOR IMPARTIAL INVESTIGATIONS OF ALLEGED VIOLATIONS IN THE COUNTRYSIDE HAVE NOT ACHIEVED THE DESIRED RESPONSE:

FOLLOWING THE CIRCULATION OF THE NICARAGUAN CHURCH'S PASTORAL LETTER IN EARLY FEBRUARY OF THIS YEAR CALLING FOR AN END TO VIOLENCE INSTIGATED BY BOTH THE GOVERNMENT AND REVOLUTIONARIES AND AFTER NUMEROUS EXPRESSIONS OF CONCERN BY THIS EMBASSY, PRESIDENT SOMOZA GAVE EMPHATIC ORDERS TO THE GN COMMANDERS TO AVOID ABUSES AND EVEN THE APPEARANCE OF ABUSES. SINCE THAT TIME ALLEGATIONS OF FURTHER HUMAN RIGHTS ABUSES BY THE GN HAVE DRAMATICALLY DIMINISHED. ACTS OF FSLN TERRORISM CONTINUE.

B. ANALYSIS AND RECOMMENDATIONS

1. OUR OBJECTIVES

A) RESTORATION OF FULL CONSTITUTIONAL GUARANTEES FOR ALL,
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INCLUDING TERMINATION OF MARTIAL LAW AND CENSORSHIP

B) IMPROVED AND CONSISTENT GN RESPECT FOR THE INTEGRITY OF
THE PERSON.

C) ACCEPTANCE BY THE GON OF ITS RESPONSIBILITY TO INVESTIGATE
OR PERMIT INVESTIGATION BY OUTSIDE ORGANIZATIONS OF ANY NEW AND/OR
PAST ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS AND OF THE NECESSITY
FOR APPROPRIATE REMEDIAL ACTIONS.

OUR GOALS ARE (1) TO IMPROVE THE OVERALL HUMAN RIGHTS SITUATION
IN NICARGUA, WHETHER THE SITUATION BE AS SERIOUS AS THE TOTALITY
OF ALLEGED VIOLATIONS WOULD INDICATE OR LIMITED TO INTERMITTENT
ABUSES OF CAMPESINOS BY THE NATIONAL GUARD. AND (2) ELIMINATE THE
RESTRICTIONS ON POLITICAL ACTIVITY RESULTING FROM MARTIAL LAW AND
CENSORSHIP.

WE SHOULD CONTINUALLY RESTATE THESE OBJECTIVES, OUR COMMITMENT
TO THEIR REALIZATION AND ENCOURAGE IMPROVEMENT. WE MUST GUARD AGAINST
THE GON CONCLUDING THAT RELATIONS WITH THE U.S. HAVE REACHED A POINT
WHERE IT HAS NOTHING TO LOSE BY IGNORING OUR CONCERN. SUCH A GON
CONCLUSION WOULD REMOVE OUR LEVERAGE TO INFLUENCE RESPECT FOR HUMAN
RIGHTS. IT MIGHT ALSO ENCOURAGE THE ADOPTION OF POLICIES HOSTILE TO
OTHER U.S. INTERESTS OR LEAD TO INSTABILITY IN WHICH REPRESSION
COULD FLOURISH.

CONTINUATION OF THE CURRENT APPARENTLY IMPROVED SITUATION MAKES
SIGNING OF THE FY 77 SECURITY ASSISTANCE AGREEMENT FEASIBLE. WE
SHOULD NOT SIGN A FY 78 AGREEMENT UNTIL WE HAVE A LONGER-TERM
INDICATION OF GN RESPECT FOR HUMAN RIGHTS.

IF THE HUMAN RIGHTS SITUATION SHOULD DETERIORATE, WE SHOULD SUS-
PEND ALL MILITARY ASSISTANCE. WE SHOULD PROPOSE THAT THE INTER-AM
ERICAN HUMAN RIGHTS COMMISSION PURSUE INVESTIGATORY ACTION IN NICARAG
UA. WE WOULD INFORM THE GON THAT
U.S. POLICY TOWARD NICARAGUA WOULD BE STRONGLY INFLUENCED BY THE
FINDINGS OF THE IAHRC. IF THOSE FINDINGS CONFIRMED THE SERIOUSNESS
OF THE HUMAN RIGHTS SITUATION, OR THE GON REFUSED TO COOPERATE WITH
AN INVESTIGATION, WE WOULD UNDERTAKE A CAREFUL REVIEW OF SPECI-
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FIC AID PROJECTS AND THE DEGREE TO WHICH EACH RELATES TO THE POOR
MAJORITY OF NICARAGUANS. HOWEVER, AS A.I.D. PROJECTS HAVE INFLUENCED
THE RECENTLY INCREASED GON COMMITMENT TO PROGRAMS WHICH ENGAGE NICA-
RAGUA'S POOR MAJORITY IN THE NATION'S DEVELOPMENT, THESE PROJECTS
SHOULD BE THE LAST ASSISTANCE FUNDS CONSIDERED FOR REDUCTION OR TER-
MINATION.

2. REACTION TO USG'S HUMAN RIGHTS POLICY

THE NICARAGUAN GOVERNMENT HAS DIRECTLY AND INDIRECTLY CIRITCIZED SOME ASPECTS OF OUR HUMAN RIGHTS POLICY AS: (1) INTERFERENCE IN INTERNAL AFFAIRS, (2) INAPPROPRIATE CRITICISM COMING FROM A COUNTRY IN WHICH VIOLATIONS OF HUMAN RIGHTS OCCUR; AND (3) MISGUIDED IN THAT SANCTIONS ARE BEING APPLIED IN NICARAGUA IN RESPONSE TO PROPAGANDA DESIGNED TO DISCREDIT THE GON. THE NICARAGUA GOVERNMENT HAS ACKNOWELEDGED THAT INNOCENT PERSONS MAY HAVE BEEN ACCIDENTLY KILLED IN CONFRONTATIONS BETWEEN THE GUARD AND THE FSLN. THE GOVERNMENT ALSO COMPLAINS THAT THE US HUMAN RIGHTS POLICY IS UNEVENLY APPLIED, PARTICULARLY TO NICARAGUA. HOWEVER, PRESIDENT SOMOZA FAVORABLY DESCRIBED THE INTENT OF THAT POLICY IN A SPEECH TO MILITARY CADETS ON JULY 4.

THE CHURCH IN THE PAST YEAR HAS ADOPTED AN ACTIVIST ROLE ON THE HUMAN RIGHTS ISSUE. STUDENT ACTIVISTS AND OTHER POLITICAL OPPONENTS OF THE REGIME ARE INTERESTED IN THE IMPLEMENTATION OF U.S POLICY IN THE HOPE THAT IT WILL LEAD TO A CHANGE IN THE GOVERNMENT, OR AT LEAST ITS POLICIES BUT MANY REMAIN SKEPTICAL OF IT AS A MEANS TO THEIR BASIC OBJECTIVES-THE REMOVAL OF SOMOZA AND HIS POWER STRUCTURE.

3. EVALUATION OF REACTIONS

THE NICARAGUAN GOVERNMENT IS CLEARLY CONCERNED THAT THE HUMAN RIGHTS ISSUE HAS ADVERSELY AFFECTED ITS RELATIONS WITH THE UNITED STATES. WE BELIEVE THAT OUR STATEMENTS AND ACTIONS TO DATE, SUCH AS TEMPORARILY WITHHOLDING FMS, COMBINED WITH THE PUBLIC ATTENTION DRAWN TO THE SITUATION BY THE NICARAGUAN CHURCH, THE U.S CONGRESS AND FOREIGN PRESS, HAVE BEEN INSTRUMENTAL IN CAUSING PRESIDENT SOMOZA TO ISSUE CLEAR INSTRUCTIONS TO THE GON TO AVOID HUMAN RIGHTS VIOLATIONS AND TO ACCEPT THE NECESSITY TO RESTORE NORMALCIVIL LIB-
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